

IRJ

TELEPHONE (312) 258-5500

**SCHIFF, HARDIN LLP**

PATENT DEPARTMENT

6600 SEARS TOWER

233 SOUTH WACKER DRIVE

CHICAGO, ILLINOIS 60606



INVENTOR APPLICATION OF:

Martin, OBEL

GROUP ART UNIT: 3762

SERIAL NO.

:

10/726,246

EXAMINER: Lennwood Faulcon Jr.

FILED:

December 2, 2003

CONFIRMATION NO.: 3533

TITLE: "IMPLANTABLE BIVENTRICULAR CARDIAC STIMULATOR WITH CAPTURE MONITORING BY ECG ANALYSIS"

**RESPONSE TO THE MAY 3, 2006 OFFICE ACTION**

**MAIL STOP AMENDMENT**

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

SIR:

Transmitted herewith is an amendment in the above-identified application.

☒ No additional fee is required.

The fee has been calculated as shown below.

CLAIMS AS AMENDED							
	(2) CLAIMS REMAINING AFTER AMENDMENT		(4) HIGHEST NO. PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEE	
TOTAL CLAIMS	*14	MINUS	**20	X	( ) X 9.00 ( ) X 18.00		
INDEP. CLAIMS	*1	MINUS	3	X	( ) X 44.00 ( ) X 88.00		
Application amended to contain any multiple dependent claims not previously paid for.				( ) YES ( ) NO	( ) \$150.00 ( ) \$300.00 ONE TIME		
				TOTAL ADDITIONAL FEE FOR THIS AMENDMENT		\$0.00	

\* If the entry in Column 2 is less than the entry in Column 4, write "0" in Column 5.

\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20 write "20" in this space.

- ☐ Applicants petition the Commissioner of Patents and Trademarks to extend this time for response to the Office Action dated \_\_\_\_\_ for \_\_\_\_\_ months so that the period for response is extended to \_\_\_\_\_. A check in the amount of \$\_\_\_\_\_ is attached to cover the cost of the extension. Any deficiency or overpayment should be charged or credited to deposit account No. 501519. A duplicate copy of this sheet is enclosed.
- ☐ A check in the amount of \$\_\_\_\_\_ is attached.
- ☐ A check for \$\_\_\_\_\_ accompanying IDS under 37 CFR 1.97(c) is attached
- ☐ A check for \$\_\_\_\_\_ and Petition for Consideration of IDS under 37 CFR 1.97(d) is attached.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or to credit any overpayment to account No. 501519. A duplicate of this sheet is enclosed.

When phoning re this application, please call (312) 258-5500.

SCHIFF, HARDIN LLP (Customer Number: 26574)

BY Steven H. Noll (28,982)

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on August 1, 2006

Steven H. Noll

NAME OF APPLICANT'S ATTORNEY

Steven H. Noll

SIGNATURE

August 1, 2006

DATE



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**RESPONSE TO THE MAY 3, 2006 OFFICE ACTION**

APPLICANT: Martin OBEL                      GROUP ART UNIT: 3762  
SERIAL NO.: 10/726,246                      EXAMINER: Lennwood Faulcon Jr.  
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WITH CAPTURE MONITORING BY ECG ANALYSIS"

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Alexandria, Virginia 22313-1450

S I R:

Applicant and his counsel have carefully reviewed the Office Action dated May 3, 2006, but believe the claims in their present form are patentable over the teachings of the references relied upon by the Examiner. Reconsideration of the application in view of the following arguments in support of patentability is therefore respectfully requested.

**REMARKS**

In the Office Action dated May 3, 2006, claims 1-6 and 10-13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Brownlee et al in view of Lu as well as Lu in view of Brownlee et al. Claims 7-9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Brownlee et al in view of Lu and Lu in view of Brownlee et al, further in view of Van Dam et al. Claim 14 was rejection under 35